As Introduced

133rd General Assembly
Regular Session
2019-2020

Representatives Crossman, Rogers

A BILL

To amend section 1345.99 and to enact section 1345.033 of the Revised Code to prohibit price gouging after a declaration of an emergency and to declare an emergency.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1345.99 be amended and section 1345.033 of the Revised Code be enacted to read as follows:

Sec. 1345.033. (A) As used in this section:

(1) "Declaration of emergency" means a declaration of an emergency by any federal, state, or local governing body.

(2) "Emergency area" means the geographic area affected by a declaration of emergency.

(B) For the duration of a declaration of emergency, no supplier shall sell, rent, or lease, or offer to sell, rent, or lease, for delivery in the emergency area, any goods, services, dwelling units, or storage space, or any dwelling units or storage space located in the emergency area, at a rate or price that is more than ten per cent above the rate or price charged by the supplier for the same or similar goods, services,
dwelling units, or storage spaces immediately prior to the declaration of emergency.

(C) Any violation of division (B) of this section shall be considered an unconscionable act or practice in connection with a consumer transaction under section 1345.03 of the Revised Code.

Sec. 1345.99. (A) Whoever violates section 1345.23 or 1345.24 of the Revised Code is guilty of a minor misdemeanor.

(B) Whoever violates division (C) of section 1345.30 or division (D) of section 1345.76 of the Revised Code shall be fined not more than one thousand dollars.

(C) Whoever knowingly violates division (E) of section 1345.02 or knowingly violates section 1345.18 of the Revised Code is guilty of a misdemeanor of the third degree for a first offense and a misdemeanor of the second degree for any subsequent offense.

(D) Whoever recklessly violates section 1345.032 of the Revised Code shall be fined the following:

(1) For the first violation, not more than one hundred dollars for each solicitation document distributed;

(2) For any subsequent violation, not more than two hundred dollars for each solicitation document distributed.

(E) Whoever negligently violates section 1345.022 of the Revised Code shall be fined not more than one thousand dollars.

(F) Whoever recklessly violates division (B) of section 1345.033 of the Revised Code is guilty of a misdemeanor of the first degree.
Section 2. That existing section 1345.99 of the Revised Code is hereby repealed.

Section 3. Section 1345.99 of the Revised Code is presented in this act as a composite of the section as amended by both H.B. 52 and S.B. 223 of the 132nd General Assembly. The General Assembly, applying the principle stated in division (B) of section 1.52 of the Revised Code that amendments are to be harmonized if reasonably capable of simultaneous operation, finds that the composite is the resulting version of the section in effect prior to the effective date of the section as presented in this act.

Section 4. This act is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety. The reason for such necessity is to protect consumers during the state of emergency regarding COVID-19. Therefore, this act shall go into immediate effect.